

Ex. D to Cramer Declaration

PUBLIC REDACTED VERSION

EXHIBIT 4

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
Case No.: 3:21-md-02981-JD
- - - - - X
IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

In re Google Play Consumer
Antitrust Litigation,
Case No. 3:20-cv-05761-JD

Epic Games Inc. v. Google LLC,
et al.,
Case No. 3:20-cv-05671-JD

- - - - - X

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REMOTE VIDEOTAPED DEPOSITION
BY VIRTUAL ZOOM OF
CHRISTIAN CRAMER
Monday, July 22, 2024

REPORTED BY: DANIELLE GRANT

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1 case by Epic; is that correct?

2 A That's correct.

3 Q Let's do our first test of the
4 Exhibit Share system. We can take this
5 step by step to make sure it works.

6 A Okay.

7 Q But let's mark -- well,
8 actually, this has been previously marked.
9 It's introduced as what has been
10 previously marked as Exhibit 9009.

11
12 (Exhibit No. 9009 Declaration
13 of Christian Cramer in
14 Support of Google's Proffer
15 Regarding Epic's Proposed
16 Remedies, a previously marked
17 exhibit was referenced.)

18 Q So, sir, let me know if that
19 pops up on the Exhibit Share.

20 A Exhibit 9009. Yes, I see it.

21 Q Correct.

22 A I'm open -- I'm opening it
23 now.

24 Q It may take a second to open.
25 Let me know if it opens.

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1 A Okay. I have it open.

2 Q Okay. Great.

3 Sir, do you recognize this?

4 A I do.

5 Q What is it?

6 A This is my declaration.

7 Q And this is the declaration
8 that you prepared and submitted in these
9 proceedings in connection with Google's
10 proffer regarding Epic's proposed
11 remedies, correct?

12 A Correct.

13 Q Sir, did you write this
14 declaration yourself?

15 A No. I had help from legal
16 counsel in preparing it.

17 Q And who specifically helped
18 you write this declaration?

19 A Well, Brian Smith and Brian
20 Rocca.

21 Q Was anyone else involved in
22 writing the declaration beyond Mr. Smith
23 and Mr. Rocca?

24 A Not that I know of.

25 Q Did they write all of the

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1 declaration?

2 A Well, in consultation with me.
3 So it was prepared as a joint effort if
4 you like.

5 Q Did you -- did you draft any
6 part of this yourself, Mr. Cramer?

7 A What do you mean with "draft,
8 like write some --

9 Q Did you -- did you type up any
10 part of this yourself?

11 A No, I didn't. I just kind of
12 made additions and changes as needed.

13 Q So is it correct that
14 Mr. Smith and Mr. Rocca drafted this and
15 then you reviewed and gave comment?

16 A That's correct.

17 Q Did they draft the entirety of
18 this, or were there certain sections that
19 each one worked on, to the best of your
20 knowledge?

21 MR. ROCCA: Objection.

22 A I don't know.

23 MR. ROCCA: Form. I'm sorry.
24 Objection to form.

25 Q You may answer, Mr. Cramer.

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1 A I don't know.

2 Q When were you asked to start
3 working on this declaration, Mr. Cramer?

4 A I don't know exactly the date,
5 but it was in June.

6 Q Was the first thing that you
7 saw in connection with this declaration
8 the draft that was prepared by Mr. Rocca
9 and Mr. Smith?

10 A No. I think there was a
11 meeting before to introduce what was going
12 to be the task.

13 Q To -- to discuss the drafting;
14 is that correct?

15 A Well, even before the draft,
16 there was a description of what would be
17 required from finance. So that we could
18 do the mathematics.

19 Q So there was a meeting -- just
20 one meeting, is that correct?

21 A I don't know if it was just
22 one meeting, but there was definitely one
23 meeting that started the conversation.

24 Q Do you remember more than one
25 meeting, sir?

1 kind of, the resources required and the
2 duration, which I received from legal
3 counsel, and the task was to associate
4 costs with those resources.

5 Q Did you look at any materials
6 beyond those charts in preparing your
7 declaration?

8 A No. As I said, like, there is
9 a spreadsheet that was used to calculate
10 all the numbers, and that has essentially
11 the resources required and the cost.

12 Q Is that the spreadsheet
13 that's -- that's set forth in your
14 declaration, Mr. Cramer?

15 A What the -- what's in the
16 declaration is the outcome of that
17 calculation.

18 Q So there is another
19 spreadsheet that is not set forth in your
20 declaration that you used; is that
21 correct?

22 MR. ROCCA: Objection to --

23 I'm sorry, Tim.

24 Objection to form.

25 Go ahead, Mr. Cramer.

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1 A So yeah, in order to fill the
2 tables in my declaration, some math was
3 needed, because all I received was the
4 resources and the duration of those
5 resources required. I needed to translate
6 that into cost, and that was done in a
7 separate document, which was a Google
8 spreadsheet.

9 Q And did you prepare that
10 spreadsheet, sir?

11 A No. I had help in getting
12 that spreadsheet prepared --

13 Q Who --

14 A -- prepared by --

15 Q -- who specifically prepared
16 that spreadsheet?

17 A That spreadsheet was
18 created -- so the spreadsheet itself was
19 created by Mr. Smith. So he created the
20 spreadsheet. And then, me, together with
21 Eric Kelley and Cathryn Atkins from the
22 central finance team for platforms and
23 ecosystem, they help populate the numbers.

24 (Whereupon, the court reporter
25 requested clarification.)

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1 MR. CAMERON: I think he
2 said --

3 THE WITNESS: Platforms and
4 eco -- platforms and ecosystems.
5 That's the --

6 COURT REPORTER: Legal
7 systems?

8 (Cross talk.)

9 THE WITNESS: -- area which
10 Play has been part of.

11 COURT REPORTER: Thank you.

12 Q Okay. So -- so if I
13 understand the sequencing correctly, just
14 so that we're clear, you received a
15 spreadsheet that had been prepared by
16 Mr. Smith, who was legal -- internal legal
17 counsel at Google; is that correct?

18 A Correct.

19 Q And then who populated that
20 spreadsheet?

21 A The populated one --

22 Q Was it populated --

23 A -- was --

24 Q -- when you received it?

25 A No. What -- it was populated

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1 with just the resources and the duration
2 that are required for the work. And the
3 task at hand for me and the finance team
4 was to associate costs with those resource
5 requirements.

6 Q And so when you say "the
7 finance team," could you explain the
8 people who did this work filling in that
9 spreadsheet?

10 A The people who helped with
11 that were Eric Kelley and Cathryn Atkins.

12 Q Who is Mr. Kelley?

13 A Mr. Kelley is a finance
14 director who is responsible for -- for the
15 central finance function for platforming
16 and ecosystem.

17 Q And I think you said the other
18 name was Ms. Atkins; is that correct?

19 A Miss Atkins. Yes.

20 Q And who is Ms. Atkins?

21 A So she is on Eric's team, and
22 she is a financial analyst who is doing
23 central finance work for platforms and
24 ecosystems.

25 Q So did they prepare this --

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1 this spreadsheet?

2 Or strike that.

3 Did they, then, populate the
4 additional data into this spreadsheet?

5 A Yeah. They used the rate
6 cards that we have to populate the
7 spreadsheet.

8 Q So what work did you yourself
9 do in connection with conducting this
10 analysis?

11 A I reviewed the spreadsheet,
12 how it all set up. I did spot checks on
13 it. I reviewed the totals. So that's the
14 work I did on the financial side.

15 Q So just so the record is
16 clear -- and is that all the work you did
17 in connection with preparing your -- the
18 information set forth in your declaration?

19 MR. ROCCA: Objection to form.

20 A So, as I said, like, I -- I --
21 we -- we received the spreadsheet from
22 Brian Smith, the central team helped
23 populate it because they're the only ones
24 who have access to the rate cards for
25 certain job -- job titles, if you like.

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1 And yeah, and they helped prepare the
2 spreadsheet and complete it, and I
3 reviewed it accordingly.

4 Q When you say "they -- they
5 only have access to certain of the rate
6 cards," does that mean that you do not?

7 A I typically don't have access
8 directly to the rate cards in full detail.

9 Q So just to be clear, you
10 personally do not have access to the rate
11 cards that were used to populate the data
12 that went into the spreadsheet and
13 ended -- ended up in your declaration; is
14 that correct?

15 A Not in the level of detail
16 that is used here. So those are highly
17 confidential data that are maintained by
18 corporate. And the way we do that is that
19 the central team, they receive those rate
20 cards from corporate finance, and they are
21 considered as highly confidential so --

22 Q Just to -- just to --
23 (Cross talk.)

24 A -- information, but I
25 typically don't have immediate access to

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1 that.

2 Q Okay. So you personally do
3 not have access to the rate cards that
4 were used to populate the spreadsheet and
5 then used to populate the declaration,
6 correct?

7 A Not to the original rate
8 cards. There's, like -- obviously, in
9 that spreadsheet there's the rates for the
10 individual roles is reflected and
11 that's --

12 Q You personally do not have
13 access to the rate cards themselves,
14 correct?

15 A That's correct. That's
16 maintained by corporate.

17 Q Okay. So -- so if I
18 understand the process correctly,
19 Mr. Smith prepared the spreadsheet and
20 provided it to you, Mr. Kelley, and
21 Ms. Atkins. Mr. Kelley and Ms. Atkins
22 then populated the financial part of that
23 spreadsheet.

24 Correct?

25 A Correct.

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1 Q And that is what was, then,
2 used in preparing your declaration; is
3 that correct?

4 A Right. After my review.

5 Q And you said you conducted
6 some spot checks; is that right?

7 A Correct.

8 Q Did you speak to anyone else
9 concerning the substance of your
10 declaration other than the people that
11 we've identified?

12 A No.

13 Q Did you do any additional work
14 regarding the preparation of your
15 declaration other than what we have
16 discussed?

17 A No.

18 Q I don't believe that the
19 spreadsheet that you described,
20 Mr. Cramer, has been produced to us.

21 MR. CAMERON: So, Mr. Rocca, I
22 make a request that that be
23 produced to us immediately,
24 please.

25 MR. ROCCA: Your request is

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1 noted.

2 Q The chart -- the spreadsheet
3 that you received, did that include the
4 columns that ended up in your declaration
5 for resources and duration required, et
6 cetera?

7 A So, yeah, it did.

8 I mean, like, I don't know --
9 are you referring to -- why don't you go
10 to the declaration and ask --

11 (Cross talk.)

12 Q -- I was going to say, let's
13 go to -- let's go to paragraph 12. Maybe
14 this will help.

15 (Cross talk.)

16 Q So this -- if you looking at
17 paragraph 12, there is a chart set forth
18 in your declaration on pages 3 and 4.

19 Do you see that?

20 A Right. I see that.

21 Q So did the -- did the
22 spreadsheet that you received from
23 Mr. Smith contain columns A and B, I
24 presume?

25 A Right. It did.

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1 Q And not only the headings, it
2 contained the information set forth under
3 those columns, such as, you know, initial
4 scoping and design, one program manager
5 for three months; is that correct?

6 A Right.

7 Q So this data was included in
8 the chart that you received, correct?

9 A Correct.

10 Q Did you use any other
11 materials, beyond that spreadsheet, for
12 purposes of the cost analysis that was
13 conducted and then included in your
14 declaration?

15 A No.

16 Q So did you ever see a draft of
17 the declaration prepared by Mr. Baccetti?

18 A No.

19 Q Did you ever see a draft of a
20 declaration prepared by Mr. Cunningham?

21 A No.

22 Q Did you ever see a draft of
23 the declaration prepared by
24 Mr. Kleidermacher?

25 A No.

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1 Q Did you ever see the final
2 declaration prepared by Mr. Baccetti?

3 A Yes.

4 Q Did you see that prior to the
5 preparation of your declaration?

6 A No.

7 Q Prior to the preparation of
8 your declaration, did you ever see the
9 financial declaration of Mr. Cunningham?

10 A No.

11 Q Prior to the preparation of
12 do -- of your declaration, did you ever
13 see the final of the declaration prepared
14 by Mr. Kleidermacher?

15 A No.

16 Q Did you personally speak to
17 Mr. Baccetti in connection with preparing
18 your declaration?

19 A No.

20 Q Did you personally speak to
21 Mr. Cunningham in connect with preparing
22 your declaration?

23 A No.

24 Q Did you speak to
25 Mr. Kleidermacher in connection with

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1 preparing your declaration?

2 A No.

3 Q So you did not discuss, it's
4 fair to say, the analysis prepared by
5 Mr. Baccetti with him for purposes of
6 preparing your declaration?

7 A That's correct. I only used
8 the input that is reflected in my
9 declaration.

10 Q And so, likewise, you didn't
11 discuss with Mr. Cunningham his analysis,
12 for purposes of preparing your
13 declaration?

14 A No, I didn't.

15 Q And likewise, for purposes of
16 preparing your declaration, you didn't
17 discuss with Mr. Kleidermacher the
18 analysis that he prepared, correct?

19 A Correct.

20 Q So is it fair to say that the
21 scope of what you did, for purposes of
22 your declaration, was to receive the
23 spreadsheet from Mr. Smith, legal counsel
24 at Google, work with your team to populate
25 the additional columns, and then review

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1 A Right.

2 Q You note that you have been
3 asked to estimate those costs, correct?

4 A Right.

5 Q And so it's fair to say that
6 the information set forth in your
7 declaration is, in fact, an estimate,
8 right?

9 A That's correct.

10 Q And you also note that you
11 have been asked to estimate approximate
12 costs, correct?

13 A Well, I don't know what you
14 mean with "approximate costs." We're
15 looking at --

16 (Cross talk.)

17 Q This is the language from your
18 declaration in paragraph 3.

19 It reads: I have been asked
20 to estimate approximate costs.

21 Do you see that language, sir?

22 A Right.

23 Q So these were approximate
24 costs that are referenced in your
25 declaration, correct?

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1 A Right.

2 Q Right. So the information in
3 your declaration are estimates, yes?

4 A Right.

5 Q And they are approximations,
6 correct?

7 A Right.

8 Q Your declaration describes
9 three potential projects; is that correct?

10 A Right.

11 Q The first is catalog access,
12 correct?

13 A Right.

14 Q The second is library porting,
15 correct?

16 A Correct.

17 Q And the third is Play
18 distribution of third-party stores,
19 correct?

20 A Correct.

21 Q You didn't cover any other
22 specific projects yourself did you?

23 A No, I didn't.

24 Q And so you haven't done any
25 work or analysis on any other projects

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1 other than the three identified in your
2 declaration, correct?

3 A Right.

4 Q And I think, as you have
5 explained, with regard to those three
6 topics, the work that you did was limited
7 to calculating the total cost for the
8 resource and head count estimates that
9 were provided to you in that spreadsheet,
10 correct?

11 A Correct.

12 Q So the information that you
13 address in your declaration is dependent
14 upon the information that was provided to
15 you in that spreadsheet prepared by
16 Mr. Smith, correct?

17 A That's correct.

18 Q And that spreadsheet, I think
19 as we've discussed, contained a specific
20 number of employees, right?

21 A Well, it essentially contained
22 the list that you see in my declaration
23 of --

24 Q Right. And so that is --

25 (Cross talk.)

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1 Q I'm sorry.

2 (Whereupon, the court reporter
3 requested clarification.)

4 A So in my declaration, there is
5 this table that has -- describes the
6 various resources, slash, FTEs needed and
7 the duration required. And both those
8 pieces of information were in the table
9 that we received.

10 Q And so the resources, slash,
11 FTEs listed in your declaration, say, for
12 example, in paragraph 12, and they were
13 also identified in the spreadsheet.

14 That's a fixed number of
15 people, correct?

16 A Right. I don't know what you
17 mean with a fixed number of people, but,
18 like, for every resource, there is this --
19 there is a number associated with it, yes.

20 Q Well, what I'm driving at is,
21 you would agree with me, sir, that the
22 accuracy of your calculations depends on
23 the accuracy of the information that you
24 were given to work with including both
25 resources and duration, correct?

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1 analysis to determine that six software
2 engineers, in fact, would be required to
3 perform this work yourself; correct?

4 A That's correct.

5 Q And so you're unable to
6 provide any explanation as to why there
7 needs to be six software engineers as
8 opposed to any other number, correct?

9 A That's correct.

10 Q Now, are you aware or was it
11 communicated to you that there was some
12 uncertainty around these specific resource
13 requirements?

14 MR. ROCCA: Objection to form.

15 A Yes. And that is kind of
16 reflected in the -- in the calculations
17 with kind of the buffer that you see in
18 the -- at the bottom of the table.

19 Q Sorry. So let's take that
20 step by step.

21 You were aware that there was
22 some uncertainty around the list of
23 resources for each of these projects,
24 correct?

25 A Well, I don't know of a level

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1 of uncertainty in any of those resources
2 as they are in the table, because I have
3 not been involved in preparing those
4 resources.

5 Q Did you do anything to
6 understand the level of uncertainty around
7 any of these resources?

8 MR. ROCCA: Objection to form.

9 Q You may answer.

10 A No, I didn't.

11 Q And I think you said that the
12 way you attempted to account for that
13 uncertainty was the buffer at the end of
14 the table; is that correct?

15 MR. ROCCA: Objection to form.

16 I'm sorry, Christian.

17 Objection to form.

18 You may answer.

19 Q You may answer.

20 A That was essentially done on
21 the base of the declaration of
22 Mr. Baccetti, who indicated that they
23 would calculate with a 30 percent buffer.
24 So that's not -- nothing that we came up,
25 as a finance team, that was just a

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1 reflection of the information from
2 Mr. Baccetti in that case.

3 Q And so let's just take this
4 step by step. You -- I believe your
5 testimony was that you attempted to
6 account for the uncertainty in the list of
7 resources necessary to perform these
8 functions by including the buffer at the
9 end of the table; is that correct?

10 A I don't think I agree
11 100 percent with that categorization.
12 Like, I think the way -- the way to
13 characterize is to go back to Number 11,
14 paragraph 11 where I'm explaining that
15 Mr. Baccetti, in his declaration, said
16 that they would typically need to consider
17 a buffer of 20 to 30 percent. And that
18 was, then, reflected in the calculation
19 that we did.

20 Q And --
21 (Cross talk.)

22 A I didn't -- I didn't take an
23 opinion if that buffer is appropriate or
24 not, if that is your question.

25 Q I understand, but let's take

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1 this step by step. You understood that
2 there was some degree of uncertainty
3 surrounding the identification of the
4 resources necessary to perform these
5 projects, correct?

6 A Right. And that is, like,
7 even implicit in the fact that the
8 duration required is a time range.

9 Q And did you personally, as
10 part of your analysis, do anything to
11 account for that uncertainty?

12 A I think the answer to that
13 question is no, but I want to be specific.
14 In the calculations, we used the range of
15 duration required to derive the ranges of
16 cost, but beyond that, I didn't take any
17 other assumptions.

18 Q So all you did was apply the
19 ranges provided -- you know, that were
20 specified here, correct?

21 A That is correct.

22 Q Okay. You didn't do any other
23 analysis to understand the level of
24 uncertainty around these particular
25 resources that were listed here, correct?

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1 had you asked for it?

2 A I don't know.

3 Q Okay. So I understand, as you
4 noted in paragraph 7, that you prepared an
5 average salary for each role based on the
6 average employee level of the
7 organization, correct?

8 A Correct.

9 Q And is this something that
10 Mr. Kelley as Ms. Atkins did again?

11 A What do you mean in terms
12 of -- I mean, this -- this was the
13 assumption that we took and they applied
14 the numbers. Correct.

15 Q They actually did the
16 calculation of the average salary,
17 correct?

18 A Right.

19 Q So you would agree with me
20 that if, in -- well, the average salary
21 reflects what levels of seniority?

22 MR. ROCCA: Objection to form.

23 I'm sorry, Christian.

24 Objection to form.

25 Q Let me strike that and re-ask.

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1 The average salary that was
2 utilized for purpose of calculating the
3 figures referenced in your declaration are
4 an average of what levels of seniority?

5 A Well, it's the average level
6 of the organization. [REDACTED]

8 Q Could you explain?

9 A Google has various levels --
10 Google has various levels of seniority,
11 and there is an average level across the
12 organization. Every large project will
13 require people from different levels
14 and -- yeah. And the average level is
15 what we used.

16 Q So how many levels are there
17 in total?

18 A I don't know exactly how many
19 levels there are, but it's definitely more
20 than -- more than eight or nine levels,
21 ten even.

22 Q But you don't know personally,
23 as you sit here today, how many levels
24 there are?

25 A That's true. I don't know all

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1 the levels that exist in Google.

2 Q How many levels were utilized
3 for purposes of calculating the average
4 referenced in your declaration?

5 A Well, one level -- the average
6 level of the overall organization was used
7 for this calculation.

8 Q So you used the data
9 associated with only one level of
10 seniority in the organization; is that
11 accurate?

12 A Right, for the purpose of this
13 calculation, as I said, with the exception
14 of one resource that was defined as
15 significantly more senior.

16 Q Right. So just to be clear,
17 it's not that, for example, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] is that accurate?

21 A That is accurate.

22 Q What is [REDACTED]

23 Can you explain what [REDACTED]
24 signifies?

25 A I don't know how to explain

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1 it. That is the average level that we
2 typically use for these types of
3 calculation.

4 Q Does every position have the
5 same levels associated with it?

6 A What do you mean by that?

7 Q Well, there are numerous
8 different positions referenced in column A
9 of your declaration; a program manager, a
10 software engineer.

11 A Right.

12 Q Do they all have a [REDACTED]
13 associated with them?

14 A Typically, for each role,
15 there are different levels associated with
16 it depending on the seniority and -- of
17 individual in the role.

18 Q So, is [REDACTED] one set of
19 numbers that was applied to all of these
20 different resources?

21 A For each -- for each role that
22 is described here, there are different
23 levels, and for each role, [REDACTED] was
24 essentially used.

25 Q And do you know that [REDACTED]

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1 is the average based on your personal
2 knowledge?

3 A That's a typical average that
4 we use for these types of calculations.

5 Q That wasn't my question, sir.

6 Do you know that [REDACTED] is an
7 average of all of the levels for each of
8 these positions?

9 A For the organization, that's
10 true. But for every individual job role
11 here, I don't know if that would be
12 exactly the average.

13 Q Did you do anything to test
14 that as part of your analysis?

15 A No, because I don't have any
16 information beyond what I have in
17 columns A and B, so I had to take an
18 assumption.

19 Q So looking at paragraph 12, it
20 says: Program manager.

21 How many levels were there for
22 the program manager that was included in
23 column A of your declaration, line 5?

24 A What do you mean how many
25 levels there are?

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1 Q How many levels of salary are
2 associated with that specific position
3 that was used for this calculation?

4 A For this calculation, [REDACTED]
5 [REDACTED]

6 Q How many levels are there
7 associated with that program manager
8 identified under initial scoping and
9 design under column A at line 5 of your
10 declaration?

11 A I don't know, because I have
12 no information about that role.

13 Q How many levels are there for
14 a senior soft -- well, strike that.

15 That's -- refers to senior.
16 Let's look at the next one.

17 It says: One PM.

18 What is a PM?

19 A Product manager.

20 Q And how many PM levels are
21 there for that position as referenced in
22 your declaration?

23 A I don't know exactly how many
24 levels PMs could have in theory, but we
25 used, again, [REDACTED]

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1 of the salaries of software engineers
2 across the Google organization, correct?

3 A That's correct. I didn't do
4 any specific additional analysis, because
5 this is the standard procedure that we
6 take.

7 Q Who prepares the [REDACTED]
8 figures?

9 Where does that come from?

10 A That's in the rate card.

11 Q And do the rate cards set
12 forth other levels?

13 A Yes. As I said, the rate card
14 has numbers for different levels,
15 different locations, different job roles.

16 Q And so the rate card would
17 give us information as to how many salary
18 levels there are for a software engineer,
19 correct?

20 A Probably, yes.

21 Q So did you instruct Mr. Kelley
22 and Ms. Atkins to use [REDACTED] for
23 purposes of calculating average salary?

24 A Well, they used that, because
25 that's our standard procedure we always do

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1 in project estimates like this where we
2 don't have specific information of an
3 individual role.

4 Q Okay. But so you did not
5 instruct them [REDACTED] they did
6 that on their own initiative, correct?

7 A I did not need to instruct
8 them, because that is our standard
9 procedure.

10 Q What did you personally do to
11 verify that the correct [REDACTED] from
12 the rate card was populated into the
13 spreadsheet that was the basis of for your
14 declaration?

15 A In the sense of checking what
16 exactly in each level -- as I said, like,
17 the rate card is retrieved from corporate,
18 and I rely on Eric Kelley and Cathryn
19 Atkins to put the right numbers together,
20 and then I obviously do a spot check and
21 look at kind of do the numbers makes
22 sense, do they look familiar from what I
23 have seen in the past, and that was the
24 case.

25 Q But you don't go and look at

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1 any of the rate cards yourself to verify
2 that, in fact, [REDACTED] is being used and
3 that that information appropriately was --
4 you know, or was accurately repeated in
5 the declaration, correct?

6 A That's correct. But as I
7 said, like, I have a sense of kind of the
8 [REDACTED] rates because they're used as a
9 standard procedure. So I would spot if
10 there were any significant deviations.

11 Q And so just so we're clear,
12 neither you nor Mr. Kelley or Ms. Atkins
13 actually calculated an average; instead,
14 you just used the [REDACTED] salary data,
15 correct?

16 A Correct.

17 Q We talked -- you mention in
18 your -- in your declaration that it's the
19 level employee level in the organization.

20 Do you see that?

21 A Right.

22 Q So that would be -- what? --
23 Google U.S. I presume?

24 A I don't know exactly, like, is
25 this Google U.S., Google globally. It's

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1 the -- it's the number we use typically.

2 Q Well, do you know what the
3 term "organization" refers to there, sir?

4 What is the scope?

5 A The Google organization.

6 Q So is that Google U.S.?

7 Because I understand that you,
8 you know, used employees based in the
9 United States, as you refer to in
10 paragraph 8.

11 So is this a reference to
12 Google U.S.?

13 Do you know?

14 A As I said, like, we
15 typically -- I don't -- I don't know
16 exactly how the levels are split by
17 region, by global or exactly. As I said,
18 we use this as a standard because that's
19 given to us as the average, also that corp
20 uses for planning.

21 Q So you personally, sir, have
22 done no assessment of what particular
23 parts of the Google organization are
24 included or excluded from the [REDACTED]
25 figures that you utilized, correct?

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1 A That's correct.

2 Q And, in fact, you don't know,
3 as you sit here today, what is included in
4 those [REDACTED] figures or excluded,
5 correct?

6 A Right.

7 Q Let's look at the next
8 assumption.

9 You note: I do not know where
10 the FTE employee will be located, but I
11 assume it will be in the United States and
12 have applied a high/low range to account
13 for different average FTE costs in
14 different U.S. regions.

15 Did I read that correctly?

16 A That's correct.

17 Q What was the basis for your
18 assumption that the -- all the employees
19 carrying out this work would be located in
20 the United States?

21 A Well, I think it will be two
22 pieces. First of all, in the Play
23 organization, the majority of employees
24 are in the United States. And given how
25 novel and unique this project is, I had to

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1 assume that it's probably -- it's going to
2 be executed in the U.S. as a project.

3 Q Did somebody tell you to make
4 that assumption, sir?

5 A No. I just feel that is a
6 reasonable assumption.

7 Q Okay. So you personally
8 decided, without talking to anybody else
9 about the specific project here, that all
10 of these employees who conducted this work
11 would be located in the United States,
12 correct?

13 A I didn't talk to other people
14 about it other than Eric Kelley.

15 Q So, again, without talking to
16 anybody else, including Mr. Baccetti or
17 others, about the specific projects that
18 are referenced here and how they believed
19 these projects would be carried out, you
20 determined yourself that all of the people
21 doing this work would be located in the
22 U.S., correct?

23 A Right.

24 Q There are, of course, Google
25 employees located outside the U.S.,

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1 correct?

2 A That's correct.

3 Q In fact, Google has employees
4 all over the world, doesn't it?

5 A That's correct.

6 Q And it has employees of the
7 kind listed in column A located outside
8 the United States, correct?

9 A Yeah. I think so.

10 Q So there are software
11 engineers outside the U.S., correct?

12 A Correct.

13 Q And -- I think it's product
14 managers listed outside the U.S., correct?

15 A Correct.

16 Q Or program manager -- excuse
17 me -- correct?

18 A I think so, yes.

19 Q And technical program managers
20 located outside the U.S., correct?

21 A I think so.

22 Q And designers, et cetera,
23 correct?

24 A I would think so, yes.

25 Q And based on your experience

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1 A Correct.

2 Q And this chart is exactly the
3 same, I think, in terms of set up as the
4 chart that we looked at previously,
5 correct?

6 A Correct.

7 Q And so you followed the same
8 procedure that we talked about previously
9 in preparing this chart as we described
10 for the library catalog project, correct?

11 A Correct.

12 Q And, in fact, that would also
13 be the same for the chart in paragraph 14
14 with Play distribution of third-party
15 stores, correct?

16 A That's correct.

17 Q So your answers describing the
18 process that you went through and what you
19 relied upon that we discussed are equally
20 applicable to the live reporting chart and
21 the Play distribution chart, correct?

22 A That's correct.

23 Q Live -- I know -- it's true,
24 is it not, that you did not include a
25 20 percent or a 30 percent buffer for live

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1 reporting?

2 Do you see that?

3 A Right. I see that.

4 Q And so, once again, you didn't
5 have any involvement in determining the
6 resources that would be necessary to carry
7 out the live reporting project, correct?

8 A That's correct.

9 Q And you didn't have
10 involvement in determining the resources
11 that would be necessary to carry out the
12 Play distribution project, correct?

13 A That's correct.

14 Q And you were not provided with
15 level or seniority information for the
16 employees needed to carry out the live
17 reporting project, correct?

18 A That's correct.

19 Q Or the Play distribution
20 project, correct?

21 A That's correct.

22 Q And so, again, you used
23 [REDACTED] data for those
24 positions, I presume?

25 A That's correct.

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1 Q Okay. And the same answers
2 apply regarding geography and the scope of
3 the organization that we talked about
4 previously, correct?

5 A Correct.

6 Q All right.

7 MR. CAMERON: Why don't we
8 just take a ten-minute break?

9 That will help me work out
10 where we need to go next.

11 THE WITNESS: Sounds good.

12 MR. ROCCA: Sounds good.

13 VIDEOGRAPHER: Okay. Off the
14 record. The time is 6:50 p.m.

15 (Whereupon, at 6:50 p.m., a
16 recess was taken to 7:04
17 p.m.)

18 (The proceeding resumed with
19 all parties present.)

20 VIDEOGRAPHER: We're back on
21 the record. The time is 7:04 p.m.

22 Q Mr. Cramer, we're just coming
23 back from a break.

24 Are you okay to proceed?

25 A Yes, I am.